DT01 Rec'd PCT/PTO 1 8 OCT 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket:

In re Application of:
Osamu Cynshi et al.

Appln. No.: Not yet assigned

Filed:

For: PHARMACEUTICAL COMPOSITION FOR AMELIORATING...

Atty. Docket:

Conf. No.:

Art Unit:

Examiner:

Washington, D.C.

INFORMATION DISCLOSURE STATEMENT [IDS]

Honorable Commissioner for Patents U.S. Patent and Trademark Office 2011 South Clark Place Customer Window, Mail Stop Crystal Plaza Two, Lobby, Room 1803 Arlington, VA 22202

Sir:

This Information Disclosure Statement is submitted in accordance with 37 CFR §\$1.97, 1.98, and it is requested that the information set forth in this statement and in the listed documents be considered during the pendency of the above-identified application, and any other application relying on the filing date of the above-identified application or cross-referencing it as a related application.

[X] 1. This IDS should be considered, in accordance with 37 CFR $\S1.97$, as it is filed:

(Check one of the boxes A-D)

- [X] A. within three months of the filing date of the above-identified national application or within three months of the entry into the national stage of the above-identified international application.
- $\left[X \right]$ B. before the mailing date of a first office action on the merits or before the mailing of a first Office

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action after the filing of a Request for Continued Examination under 37 C.F.R. §1.114.

[X] 2. In accordance with 37 CFR §1.98, this IDS includes a list (e.g., form PTO-1449) of all patents, publications, or other information submitted for consideration by the office, either incorporated into this IDS or as an attachment hereto. A copy of each document listed is attached, except as explained below.

(check boxes A and/or B and fill in blanks, if appropriate)

[X] A. Documents AA and AB are U.S. patents and/or published applications. As this is a U.S. application filed after June 30, 2003, or an entry into national stage under 35 U.S.C. §371 after June 30, 2003, the requirement to file copies of such U.S. patents or published applications has been waived. (MPEP §609IIIA(2)(A)).

- [] B. Document(s) ______ is (are) deemed substantially cumulative to document(s) ______, and, in accordance with \$1.98(c), only a copy of each of the latter documents is enclosed.
- [] C. Certain documents were previously cited by or submitted to the Office in the following prior application(s), which are relied upon under 35 U.S.C. 120:

(insert serial numbers and filing dates of prior applications)

Applicant(s) identifies these documents by attaching hereto copies of the forms PTO-892 and PTO-1449 from the files of the prior application(s) or a fresh PTO-1449 listing these documents, and request that they be considered and made of record in accordance with \$1.98(d). Per 37 CFR \$1.98(d), copies of these documents need not be filed in this application.

- [X] 3. Documents AC and AD are not in the English language. In accordance with \$1.98(a)(3), Applicant(s) states:
 - [X] An English translation of documents AC and AD (or of the pertinent portions thereof), or a copy of

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each corresponding English-language patent or application, or English-language abstract (or claim) is enclosed. If a corresponding patent or application is being relied on, a line connecting the non-English-language document with its corresponding English-language document is drawn in the margin of the accompanying form PTO/SB/08a.

- [X] A concise explanation of the relevance of document(s) AC and AD is found in the attached International Search Report (see reply to Comment 68 in the preamble to the final rules; 1135 OG 13 at 20).
- [] A concise explanation of the relevance of document(s) _____ is set forth as follows:

(insert concise explanation of relevance)

- [] A concise explanation of the relevance of document(s) ____ can be found on page(s) _ of the specification.
- [] A concise explanation of document(s) _____ can be found on the attached sheet.
- [X] 4. No explanation of relevance is necessary for documents in the English language (see reply to Comments 67 and 68 in the preamble to the final rules; 1135 OG 13 at 20).
- [X] 5. Other information being provided for the examiner's consideration follows:

INTERNATIONAL SEARCH REPORT ATTACHED

6. In accordance with 37 CFR §\$1.97(g) and (h), the filing of this IDS should not be construed as a representation that a search has been made or that information cited is, or is considered to be, material to patentability as defined in \$1.56 (b), or that any cited document listed or attached is (or constitutes) prior art. Unless otherwise indicated, the date of publication indicated for an item is

In re Appln. No. PCT/JP03/04987 CYNSHI4

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taken from the face of the item and Applicant(s) reserves the right to prove that the date of publication is in fact different.

Respectfully submitted,

BROWDY AND NEIMARK

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Approved f through 07/31/2006. OMB 0651-0031

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| | | | | Application Number | <u> </u> | |
| INFO | RMATION D | ISC | CLOSURE | Filing Date | | |
| STATEMENT BY APPLICANT | | | PLICANT | First Named Inventor | Osamu CYNSHI | |
| | | | | Group Art Unit | | |
| (use as many sheets as necessary) | | | ecessary) | Examiner Name | | |
| Sheet | 1 | of | 2 | Attorney Docket Number | CYNSHI4 | |

| | | Document Number | Publication Date | ENT DOCUMENTS Name of Patentee or | Pages, Columns, Lines, Where |
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|-----------------------|--------------------------|---|--------------------------------|--|---|----|--|--|--|
| Examiner Initials* | Cite No.1 | Foreign Patent Number Country Code ³ Number ⁴ Kind Code ⁵ (<i>if</i> known) | Publication Date MM-DD-YYYY | ivame of Patentee of Applicant | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | T⁵ | | | |
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| | AD | JP 6-206842 A | 07-26-1994 | Chugai Pharmaceutical Co., Ltd. | | | | | |
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| | | | | Application Number | 107511587 | |
| INFO | RMATION D | | CLOSURE | Filing Date | | |
| STATEMENT BY APPLICANT | | | PLICANT | First Named Inventor | Osamu CYNSHI | |
| • | | | | Group Art Unit | | |
| (use as many sheets as necessary) | | | ecessary) | Examiner Name | | |
| Sheet | 2 | of | 2 | Attorney Docket Number | CYNSHI4 | |

| OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS | | | | | | |
|---|--------------|--|----|--|--|--|
| Examiner Initials* | Cite No.1 | Include name of the author (in CAPITAL LETTERS), title of article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published | T² | | | |
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